

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Monosodium Glutamate
Antitrust Litigation

Civil File No. 00-MDL-1328 (PAM)

MEMORANDUM AND ORDER

This document relates to:

Inquivosa, S.A., et al. v. Ajinomoto Co., Inc., et al., Civ. No. 03-2997

This matter is before the Court on Defendants' request for permission to file a Motion for Reconsideration of the Court's May 2, 2005, Order, which denied Defendants' Motion to Dismiss. For the reasons that follow, the Court grants the request.

The core issue of the Motion to Dismiss was whether the Sherman Act provides subject matter jurisdiction for a claim based on a plaintiff's foreign injury that is allegedly linked to the domestic effects of the allegedly anti-competitive conduct. In its May 2, 2005, Order, the Court noted that the United States Supreme Court had recently declined to address that issue and had instead remanded the issue to the District of Columbia Circuit Court of Appeals. When this Court issued its May 2, 2005, Order, the District of Columbia Circuit Court of Appeals had not yet rendered an opinion on the issue.

On June 28, 2005, a unanimous panel of the District of Columbia Court of Appeals found that subject matter jurisdiction was lacking over a Sherman Act claim alleging foreign injuries premised on the theory that supra-competitive pricing in the United States facilitated a price fixing scheme abroad. Based on this decision, the Court finds that Defendants have established the "compelling circumstances" necessary for a motion to reconsider under Local

Rule 7.1(g).

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendants' request for permission to file a Motion for Reconsideration is **GRANTED**;
2. Defendants will file and serve their Motion and supporting memorandum by July 28, 2005;
3. Plaintiffs will file and serve their responsive memorandum by August 8, 2005; and
4. Defendants will file and serve their reply memorandum by August 12, 2005.

The Court will decide the Motion for Reconsideration on submission of the papers without oral argument.

Dated: July 14, 2005

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge